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May 21, 2019

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 7 and 41, Substitute House Bill No. 1195 entitled:

“AN ACT Relating to the efficient administration of campaign finance and public disclosure reporting and enforcement.”

This legislation was requested by the Public Disclosure Commission and builds on the important work the Legislature did in 2018 with the passage of ESHB 2938.

However, I am concerned with the language in Section 7(13)(b) that prohibits the agency from making Personal Financial Affairs Statements (“F-1” forms) filed by elected officials accessible online. Because these forms must be provided to anyone who makes a public records request, this prohibition against online access only serves to create an unnecessary barrier to information that the public is entitled to have.

While I recognize that making some personal financial information available online may create discomfort, it is my understanding that the Commission currently has the authority to decide whether or not to make F-1 forms available online.

I also understand that the Commission has already embarked on a process to work closely with the Legislature and other interested parties over the interim to consider the privacy interests implicated in certain types of information and the compelling public interest in access to financial data of public officials. In particular, I respectfully request that the Commission evaluate whether the existing statutory requirements for what must be reported in F-1s should be updated and also consider possible alternatives for non-elected, professional legislative staff.

Finally, Section 41 of the bill includes a reference to RCW 42.17A.775(5), which was amended in earlier drafts of this legislation to alter the process by which a successful citizen action plaintiff could be reimbursed. Language creating that new process was removed from the final version of the bill, but the reference in Section 41 was inadvertently retained. In order to avoid creating a conflict in law, and to avoid confusion over the process by which a plaintiff may be reimbursed for reasonable attorney's fees and costs, it is necessary to veto Section 41.

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For these reasons I have vetoed Sections 7 and 41 of Substitute House Bill No. 1195.

With the exception of Sections 7 and 41, Substitute House Bill No. 1195 is approved.

Respectfully submitted,

Jay Inslee
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